

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.32556 of 1998

Dated: 22.06.2007

Between:

J.Adam and another

.

... Petitioners

AND

A.P.State Road Transport Corporation,

Rep by Managing Director

And others

... Respondents

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.32556 of 1998

ORDER:-

This writ petition is filed for a writ of mandamus seeking to set aside the memo No.P2/P1/454(4)/87-PD, dated 12.6.1996 issued by the Andhra Pradesh State Road Transport Corporation (for short 'the Corporation') by which two additional increments granted to petitioners were withdrawn.

Petitioners were appointed as Junior Clerks on 9.4.1975 and 25.12.1975 respectively. In the year 1977, the posts held by the petitioners were de-categorised as Assistant Warders with effect from the dates of their initial appointments. The respondent - Corporation vide its resolution No.91/96 dated 19.6.1976 have decided to provide for four additional increments in the scales applicable to Assistant Warders for those who have possessed LME/LAE/Graduation qualification and appointed in January and February 1977. As certain Warders who were appointed prior to January 1977 were denied the same benefit they filed W.P.No.3355 of 1980 in this Court and a learned Single Judge of this Court allowed the writ petition by his order dated 22.8.1986 wherein it was held that since the nature and the quantum of work being put in by the persons who were appointed prior to and after January 1977 being the same, denial of two additional increments

to the persons who were appointed prior to January 1977 is discriminatory. The learned Single Judge therefore, directed the respondents to allow the two additional increments to the petitioners therein.

Having come to know about the said judgment the petitioners made representations and accepting the same, the Corporation vide its office order dated 27.4.1989 granted two additional increments to all Stores Personnel who were appointed as Assistant Warders between 1.1.1976 and 31.3.1977. However, by the impugned memo the said two additional increments were withdrawn. The petitioners filed the present writ petition questioning the said memo.

Heard Sri Balamohan Reddy, learned counsel for the petitioner and learned Standing Counsel for the Corporation.

At the hearing, the learned Standing Counsel for Corporation conceded that the order of this Court in the aforementioned writ petition has become final as the same was not challenged. Since the said writ petition was allowed on the ground of discrimination, though the petitioners may not be parties to the said writ petition still they are entitled to the same relief which was granted by this Court in the said writ petition. Indeed not only the petitioners herein, all the employees of the Corporation who are similarly placed are entitled to the said benefit as the Corporation who suffered the said order has allowed the same to become final and so long as the said order has not been disturbed, all the similarly placed employees are entitled to the same relief.

On the premise aforesaid, the writ petition is allowed and

the impugned memo is set aside. The respondents are directed to restore two additional increments, which were withdrawn by the impugned memo.

C.V.NAGARJUNA REDDY,J

Dt:22.06.2007
Mdaa.